

## Memo

To: Mayor Samuelson, City Council

From: Jeff Arango, AICP, CFM – Community Planner



Date: July 11, 2011

**Re: Sub-Area Planning, Transfer of Development Rights (TDR) and Land Use Budgeting**

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### BACKGROUND

The City Council, at the June 20, 2011 meeting, requested the Planning Department review three planning initiatives in the comprehensive plan on sub-area planning, transfer of development rights and land use budgeting. The purpose of the review is to determine if these initiatives, as proposed, are appropriate for Langley and what the implications would be for the City in implementing them.

These initiatives have been supported in the comprehensive plan since at least 2007, but progress on implementation has been minimal.

### DOCUMENTS AND INFORMATION USE IN REVIEW

Given that both planners are recent hires by the City and were not directly involved in the discussions on these topics over the last five years, it is important to make it clear what documents and information were used in the review. Neither of the planners had the benefit of attending the presentations from Councilmember Gilman on these topics to both the Planning Advisory Board (PAB) and the City Council approximately one year ago in the spring of 2010. Other than the presentations on the initiatives that are posted on the City's website, none of the other documents were on file with the Planning Agency. Councilmember Gilman provided the documents that he authored following our July 1, 2011 meeting.

The documents and information used in the review of the proposals include:

1. The three presentations prepared by Councilmember Gilman on the initiatives from the City's website
2. **Draft Land Use Budget Code** – Authored by Councilmember Gilman and provided via email following our July 1, 2011 meeting
3. **Draft Transfer of Development Rights Code** – Authored by Councilmember Gilman and provided by email following our July 1, 2011 meeting
4. **Transfer of Development Rights Market Analysis Essay** – Authored by Councilmember Gilman and provided by email following our July 1, 2011 meeting

Furthermore, it is our understanding that Councilmember Gilman is also in the process of writing software programs to manage the TDR and Land use budget programs. The planning department has not received or reviewed the software.

## **PUBLIC INVOLVMENT**

It appears that minimal public involvement has been done on these three initiatives and in particular on the implications for property owners in Langley. At a minimum, if these initiatives are to move forward, a more robust public process is required. I've been involved in several major development code updates and in each case I provided a direct mailing to all property owners that would be affected by the proposed change in zoning. Besides being a great way to get a high turnout at a public meeting, it provides for a meaningful dialogue between the City and the property owners on the impacts and benefits of the proposal. I can only recall one instance where the amendments I drafted were not adopted and it was because of valuable input from the affected property owners. My understanding is that property owners in Langley that would be most impacted from the proposals have not been directly contacted.

## **LEGAL REVIEW**

Based on my meeting with Councilmember Gilman on July 1, 2011 it is understood that there has not been a formal legal review on any of the three planning initiatives. The land use budget draft code was reviewed by a planner with the State of Washington. While the comments were fairly minimal, the reviewer does call into question the use of a table to manage the land use budgets as part of the regulatory document, which based on my meeting with Councilmember Gilman, is a hallmark of the program. If there was an internal review by the previous Langley planners I have not located one on file in the Planning Agency. Before proceeding with these initiatives a robust legal review is required, particularly on the TDR proposal that appears to be the most vulnerable from a legal perspective.

## **RECOMMENDATION**

Staff will provide a recommendation on these initiatives at the July 1, 2011 meeting and will be prepared to make a presentation that addresses our analysis and support for our recommendation.